

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID C. THACKER,  
Plaintiff,  
v.  
AT&T CORPORATION, et al.,  
Defendants.

No. 2:20-cv-0255-KJM-CKD PS  
ORDER  
(ECF Nos. 55, 56)

On May 5 and July 29, 2021, the magistrate judge filed findings and recommendations (ECF Nos. 53 and 56), which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. No objections were filed.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . ."). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (ECF Nos. 53 and 56) are **adopted in full**;

2. The Court construes the joint stipulation of dismissal by plaintiff and defendants AT&T Corporation and AT&T Mobility, LLC (ECF No. 51) as a motion for voluntary dismissal by court order under Federal Rule of Civil Procedure 41(a)(2) and **grants** that motion. The claims against AT&T Corporation and AT&T Mobility, LLC are **dismissed with prejudice**, with each party bearing its own fees and costs;
3. Plaintiff's motion to voluntarily dismiss defendant Diversified Consultants, Inc. (ECF No. 55) is **granted**. All claims against Diversified Consultants, Inc. are **dismissed without prejudice** under Fed. R. Civ. P. 41(a)(2); and
4. The Clerk of Court is directed to **close this case**.

DATED: September 14, 2021.

**CHIEF UNITED STATES DISTRICT JUDGE**